

**Notice:** This decision may be formally revised before it is published in the District of Columbia Register. Parties should promptly notify this office of any errors so that they may be corrected before publishing the decision. This notice is not intended to provide an opportunity for a substantive challenge to the decision.

**GOVERNMENT OF THE DISTRICT OF COLUMBIA  
PUBLIC EMPLOYEE RELATIONS BOARD**

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<b>In the Matter of:</b>	)	
	)	
<b>1199 Metropolitan District, D.C.,</b>	)	
<b>National Union of Hospital and</b>	)	
<b>Health Care Employees,</b>	)	
<b>AFSCME, AFL-CIO,</b>	)	
	)	<b>PERB Case No. 02-RC-05</b>
	)	
<b>Petitioner,</b>	)	<b>Opinion No. 690</b>
	)	
<b>and</b>	)	
	)	
<b>Office of the Chief Medical</b>	)	
<b>Examiner for the District of</b>	)	
<b>Columbia,</b>	)	
	)	
	)	
<b>Agency.</b>	)	
	)	
	)	
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**DECISION ON UNIT DETERMINATION  
AND VOLUNTARY RECOGNITION**

On July 17, 2002, 1199 Metropolitan District, D.C., National Union of Hospital and Health Care Employees ("NUHHCE"), AFSCME, AFL-CIO, filed a Recognition Petition ("Petition") with the Public Employee Relations Board ("Board"). NUHHCE seeks to represent, for purpose of collective bargaining, a unit of unrepresented physician assistants (medicolegal investigators) employed by the Office of the Chief Medical Examiner for the District of Columbia ("Office of the Chief Medical Examiner"). The Petition was accompanied by a showing of interest meeting the requirement of Board Rule 502.2, a roster of petitioner's officers and a copy of petitioner's constitution and bylaws, as required by Board Rule 502.1 (d).

Notices concerning the Petition were issued on July 10, 2002, for conspicuous posting for fifteen (15) consecutive days where employees in the proposed unit are located at the Office of the Chief Medical Examiner. The Notices required that requests to intervene or comments be filed in the Board's office no later than August 13, 2002. The Office of the Chief Medical Examiner confirmed in writing that the Notices had been posted. Also, the Office of the Chief Medical Examiner does not dispute the appropriateness of the proposed bargaining unit pursuant to the

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criteria set forth under the Comprehensive Merit Personnel Act as codified under D.C. Code §1-617.09(a) (2001 ed.). Furthermore, the Office of the Chief Medical Examiner submitted comments indicating their willingness to voluntarily recognize NUHHCE as the exclusive representative.<sup>1</sup>

The unit sought by NUHHCE is as follows:

All physician assistants (medicolegal investigators) employed in the Office of the Chief Medical Examiner of the District of Columbia, excluding management officials, supervisors, confidential employees, employees engaged in personnel work in other than a purely clerical capacity and employees engaged in administering the provisions of Title XVII of the District of Columbia Comprehensive Merit Personnel Act of 1978, D.C. Law 2-139.

D.C. Code § 1-617.09(a) (2001 ed.) requires that a community of interest exist among employees for a unit to be found appropriate by the Board for collective bargaining over terms and conditions of employment. An appropriate unit must also promote effective labor relations and efficiency of agency operations.

Our review of the Petition and attached exhibits reveals that the proposed unit consists of all physician assistants employed by the Office of the Chief Medical Examiner. The physician assistants share a common mission. In addition, all of the physician assistants are covered by the same pay schedule and are subject to the same rules and regulations. Also, there is no other labor organization currently representing this group of employees.

In view of the above, sufficient factors exist for the Board to find that these employees meet the Comprehensive Merit Personnel Act's community of interest criteria as codified under D.C. Code § 1-617.09 (a) (2001 ed.). Such a unit of employees sharing a common purpose would, in our view, promote effective labor relations and efficiency of agency operations, and thereby constitute an appropriate unit under the Comprehensive Merit Personnel Act.

The Office of the Chief Medical Examiner has expressed a willingness to voluntarily recognize NUHHCE as the exclusive representative for the proposed unit. Board Rule 502.12 provides in relevant part that "the Board may permit the employing agency to recognize the labor organization without an election on the basis of evidence that demonstrates majority status (more than 50%) ... indicating that employees wish to be represented by the petitioning labor

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<sup>1</sup>The agency notes that they will voluntarily recognize the union if a majority of employees indicate that they desire like to be represented by NUHHCE.

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organization.”

We have reviewed the evidence and conclude that it establishes the will of a majority of the employees in the unit regarding their desire to be represented by NUHHCE for purpose of collective bargaining with the Office of the Chief Medical Examiner on compensation and other terms and conditions of employment. We find in all other respects that the requirements of D.C. Code § 1-617.10 (b)(1) (2001 ed.) and Board Rule 502.12 have been met. Therefore, a certification of representation shall be granted to NUHHCE without an election.<sup>2</sup>

**ORDER**

**IT IS HEREBY ORDERED THAT:**

1. The following unit is an appropriate unit for collective bargaining over terms and conditions of employment:

All physician assistants (medicolegal investigators) employed by the Office of the Chief Medical Examiner of the District of Columbia, excluding management officials, supervisors, confidential employees, employees engaged in personnel work in other than a purely clerical capacity, and employees engaged in administering the provisions of Title XVII of the District of Columbia Comprehensive Merit Personnel Act of 1978, D.C. Law 2-139.

2. Pursuant to D.C. Code § 1-617.10 (b) (1) (2001 ed.) and in accordance with Board Rule 502.12, the Office of the Chief Medical Examiner for the District of Columbia, is permitted to voluntarily recognize, without an election, 1199 Metropolitan District, D.C., National Union of Hospital and Health Care Employees (“NUHHCE”), AFSCME, AFL-CIO, as the collective bargaining representative of the unit found to be appropriate above.

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<sup>2</sup>The Board’s Executive Director requested comments from the parties concerning the appropriate compensation unit for this unit of employees. However, the Board did not receive comments from the agency concerning this issue. As a result, we did not have all the necessary information to make a determination concerning the appropriate compensation unit. Therefore, pursuant to Board Rule 503.2, we will initiate a proceeding at a later date to determine the appropriate compensation unit (for these employees) for the purpose of negotiations for compensation.

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3. The attached Certification of Representative is granted to NUHHCE as the exclusive collective bargaining representative for the unit found appropriate for the purpose of collective bargaining over compensation and other terms and conditions of employment.

**BY ORDER OF THE PUBLIC EMPLOYEE RELATIONS BOARD**

Washington, D.C.

October 28, 2002